

## Message Text

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ACTION STR-07

INFO OCT-01 EUR-12 EA-10 IO-13 ISO-00 STRE-00 AGRE-00  
CEA-01 CIAE-00 COME-00 DODE-00 EB-08 FRB-03 H-01  
INR-10 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01  
CTME-00 AID-05 SS-15 ITC-01 TRSE-00 USIA-06 SP-02  
SOE-02 OMB-01 DOE-15 /131 W  
-----087444 221843Z /53

P 221755Z MAR 78  
FM USMISSION GENEVA  
TO SECSTATE WASHDC PRIORITY 7554  
INFO AMEMBASSY BRUSSELS  
AMEMBASSY TOKYO

C O N F I D E N T I A L GENEVA 04411

USMTN USEEC

STR FOR ACTION FOR MATTHEISEN

E.O. 11652 GDS  
TAGS: ETRD, MTN, JA  
SUBJECT: SAFEGUARDS: JAPANESE WORKING PAPER, "NATURE OF  
SAFEGUARD ACTION"

1. TRANSMITTED BELOW IS TEXT OF JAPANESE WORKING PAPER  
ON "NATURE OF SAFEGUARD ACTION" (MFN/SELECTIVITY) GIVEN  
TO US YESTERDAY ON INFORMAL BASIS BY JAPANESE GENEVA DEL.  
JAPANESE REQUESTED THAT THIS PAPER BE KEPT STRICTLY  
CONFIDENTIAL SINCE IT IS BEING GIVEN ONLY TO U.S. FOR  
THE TIME BEING. WE EXPECT TO BE DISCUSSING AND CLARIFYING  
IT IN INFORMAL BILATERAL CONVERSATIONS WITHIN THE NEXT  
SEVERAL DAYS.

2. BEGIN TEXT: "NATURE OF SAFEGUARD ACTION  
1. A SAFEGUARD ACTION PURSUANT TO THIS AGREEMENT SHALL,  
IN PRINCIPLE, BE APPLIED ON A GLOBAL BASIS AND WITHOUT  
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DISCRIMINATION AS BETWEEN SOURCES OF IMPORTS.

2. (1) IN UNUSUAL OR EXCEPTIONAL CIRCUMSTANCES WHERE  
IT IS CLEARLY ESTABLISHED THAT SERIOUS INJURY OR THREAT  
THEREOF IS CAUSED BY SHARP AND SUBSTANTIAL INCREASE OF  
IMPORTS FROM ONE OR A SMALL NUMBER OF COUNTRIES AND THE  
EFFECTS OF IMPORTS FROM OTHER SOURCES ARE NEGLIGIBLE, A

SAFEGUARD ACTION MAY BE LIMITED TO THE INJURIOUS IMPORTS, AND IF SO, SHALL BE APPLIED IN A NON-DISCRIMINATORY MANNER IN RESPECT OF THOSE INJURIOUS IMPORTS.

(2) IN ADDITION TO CRITERIA, CONDITIONS AND PROCEDURES REQUIRED IN APPLYING THE SAFEGUARD ACTION PROVIDED FOR IN PARAGRAPH 1., THE SAFEGUARD ACTION PROVIDED FOR IN SUB-PARAGRAPH (1) OF THIS PARAGRAPH SHALL MEET THE FOLLOWING REQUIREMENTS.

(A) IN CASE AN EXPORTING COUNTRY CONSENTS TO THE APPLICATION OF THE SAID ACTION:

(I) EXISTENCE OF THE CIRCUMSTANCES PROVIDED FOR IN SUB-PARAGRAPH (1) OF THIS PARAGRAPH SHALL BE CLEARLY PROVED.

(II) PRIOR NOTIFICATION AND PRIOR CONSULTATION SHALL BE AFFORDED IN ADVANCE OF INVOCATION OF THE SAID ACTION.

(III) THE IMPORTING COUNTRY SHALL, ON MORE ADVANTAGEOUS TERMS THAN THOSE APPLIED TO A SAFEGUARD ACTION PROVIDED FOR IN PARAGRAPH 1., SET THE LEVEL OF IMPORT RESTRICTION AND ALLEVIATE THE LEVEL THEREOF DURING THE PERIOD OF APPLICATION.

(IV) IF THE EXPORTING COUNTRY SUBJECT TO THE SAFEGUARD ACTION PROVIDED FOR IN SUB-PARAGRAPH

(1) OF THIS PARAGRAPH CONSIDERS THAT IT IS

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PLACED IN A DISADVANTAGEOUS CONDITION IN RELATION TO OTHER EXPORTING COUNTRIES NOT SUBJECT TO THE SAID ACTION, IT MAY REQUEST CONSULTATION TO THE COUNTRY INVOKING THE SAFEGUARD ACTION AT ANY TIME THROUGHOUT THE PERIOD OF APPLICATION. THE COUNTRY INVOKING THE SAID ACTION SHALL CONSULT WITH THE REQUESTING COUNTRY WITHOUT DELAY. IF NO SATISFACTORY SOLUTION IS REACHED AS A RESULT OF THE CONSULTATION, THE EXPORTING COUNTRY MAY WITHDRAW THE CONSENT TO THE SAID ACTION.

(V) THE COUNTRY INVOKING THE SAFEGUARD ACTION SHALL OFFER SUFFICIENT COMPENSATION TO THE EXPORTING COUNTRIES SUBJECT TO THE ACTION.

(B) IN CASE THE EXPORTING COUNTRY DOES NOT CONSENT TO THE APPLICATION OF THE SAID ACTION,

(I) THE REQUIREMENTS IN SUB-PARAGRAPH (A) SHALL BE MET.

(II) DURATION OF APPLICATION SHALL NOT EXCEED

( ) YEARS (DURATION SHALL BE SHORTER THAN

THAT APPLIED TO A SAFEGUARD ACTION PROVIDED FOR

IN PARAGRAPH 1), AND SHALL NOT BE EXTENDED.

(III) THE SAID ACTION SHALL BE DECIDED TO HAVE  
MET THE REQUIREMENTS OF THIS AGREEMENT BY THE  
SURVEILLANCE BODY." END TEXT.

DRAFTED BY JKHARTZELL MCDONALD

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NNN

## Message Attributes

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**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** PAPERS, IMPORTS, TRADE CONTROLS, ECONOMIC AGREEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 22 mar 1978  
**Decaption Date:** 20 Mar 2014  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Enclosure:** n/a  
**Executive Order:** GS  
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**TAGS:** ETRD, JA, MTN  
**To:** STATE  
**Type:** TE  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
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